

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK HARSH,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 10-223 Erie
v.	)	
	)	
MICHAEL BARONE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on September 7, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No.82], filed on March 20, 2013, recommended that, pursuant to the authority granted to courts by the Prison Litigation Reform Act, Plaintiff's claims against Defendant Bleday be dismissed due to Plaintiff's failure to accomplish service on him in accordance with Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff was allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10<sup>th</sup> day of April, 2013;

IT IS HEREBY ORDERED that, pursuant to the authority granted to courts by the Prison Litigation Reform Act, Plaintiff's claims against Defendant Bleday are DISMISSED due to Plaintiff's failure to accomplish service on him in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

The Report and Recommendation of Magistrate Judge Baxter, filed on March 20, 2013 [ECF No. 82] is adopted as the opinion of the Court.

The Clerk of Courts is directed to close this case.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge